

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

FILED BY *[Signature]* D.C.
 05 DEC 16 AM 11:26

DEMUS RICH and wife, MELBA RICH,
 individually and as co-executors of the
 ESTATE OF BRIAN RICH, deceased,

Plaintiffs,

v.

No.: 1-02-1222-T

CITY OF SAVANNAH, TENNESSEE,
 TIM KELLEY, LARRY PHELPS,
 TERRY W. HOSEA, ALLEN SNELLING,
 VICTOR W. CHERRY, T.J. BARKER, and
 JOHN SYLVESTER,

Defendants.

MOTION TO WITHDRAW AND SUBSTITUTION OF COUNSEL

The attorney for Defendants, Tim Kelley, Larry Phelps, Terry W. Hosea, Allen Snelling, Victor W. Cherry, T.J. Barker, and John Sylvester, does hereby appear and files this Motion to Withdraw and Substitution of Counsel in the above styled cause of action and would state as follows:

1. Because of scheduling conflicts with the case of Melvin Howser, as administrator of the Estate of Jerry Lynn Howser, vs. Crossville Police Department, et al., recently scheduled for jury trial in the United States District Court for the Middle District of Tennessee on February 21, 2006, it is necessary for Robert H. Watson, Jr., and the Law Firm of Watson, Roach, Batson, Rowell & Lauderback, P.L.C., to withdraw as attorneys of record in this case.

2. John D. Burleson and M. Dale Conder, Jr. of the Law Firm of Rainey, Kizer, Butler, Reviere & Bell, P.L.C., 105 S. Highland Avenue, P.O. Box 1147, Jackson, Tennessee 38302-1147, telephone number: (731) 423-2414 will undertake the defense of the above named

MOTION GRANTED

DATE: 16 December 2005

[Signature: James D. Todd]
 James D. Todd
 U.S. District Judge

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 05 DEC 16 AM 8:50

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This document entered on the docket sheet in compliance with Rule 58 and/or 79 (a) FRCP on

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defendants.

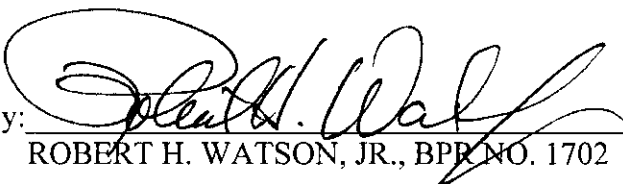
3. No additional rescheduling of the February 21, 2006 trial date is requested.

4. Plaintiffs' attorney has no objection to the withdrawal and substitution of defendants' counsel.

For the foregoing reasons, it is respectfully requested that Robert H. Watson, Jr., and his Law Firm, Watson, Roach, Batson, Rowell & Lauderback, P.L.C., be allowed to withdraw and be substituted by John D. Burleson and M. Dale Conder, Jr., of Rainey, Kizer, Butler, Reviere & Bell, P.L.C., as attorneys of record for Defendants, Tim Kelley, Larry Phelps, Terry W. Hosea, Allen Snelling, Victor W. Cherry, T.J. Barker, and John Sylvester.

RESPECTFULLY submitted this 15th day of December, 2005.

TIM KELLY, LARRY PHELPS,
TERRY W. HOSEA, ALLEN SNELLING,
VICTOR W. CHERRY, T.J. BARKER, AND
JOHN SYLVESTER

By: 
ROBERT H. WATSON, JR., BPR NO. 1702

WATSON, ROACH, BATSON,
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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing pleading has been served upon the following by United States Mail, with sufficient postage to carry same to its destination:

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Dated December 15, 2005.

A handwritten signature in black ink, appearing to read "Robert H. Watson, Jr.", is written over a horizontal line.

ROBERT H. WATSON, JR., BPR NO. 1702



Notice of Distribution

This notice confirms a copy of the document docketed as number 188 in case 1:02-CV-01222 was distributed by fax, mail, or direct printing on December 19, 2005 to the parties listed.

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Honorable James Todd
US DISTRICT COURT